

रजिस्टर्ड नं० पी० ४६१.



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, २७ अगस्त, १९७३/५ भाद्रपद, १८९५

**GOVERNMENT OF HIMACHAL PRADESH**

**PANCHAYATI RAJ DEPARTMENT**

**NOTIFICATION**

*Simla-4, the 2nd July, 1973*

No. 4-2/71-CDP(PNT)-II.—In exercise of the powers conferred by section 163 of the Himachal Pradesh Panchayati Raj Act, 1968 read with clause (b) of section 63 of the said Act, the Governor, Himachal Pradesh is pleased to make the following rules entitled as the Himachal Pradesh Panchayat Samiti (Co-optation of Members) Rules, 1973, the same having been previously published in the Official Gazette:

## RULES

**Short title, commencement and repeal.** (Section 163 of the Act). 1. (1) These rules may be called the Himachal Pradesh Panchayat Samitis (Co-option of Members) Rules, 1973.  
(2) They shall come into force at once.  
(3) The Punjab Panchayat Samitis (Co-option of Members) Rules, 1961 as in force in the transferred areas, are hereby repealed. But notwithstanding such repeal, anything done or any action taken, in exercise of powers conferred by such repealed rules, shall be deemed to have been done or taken under these rules.

**Definitions.** 2. In these rules, unless the context otherwise requires,—  
(a) 'Act' means the Himachal Pradesh Panchayati Raj Act, 1968;  
(b) 'Form' means a form appended to these rules;  
(c) 'primary member' means a person elected under clause (a) of section 63 of the Act;  
(d) 'section' means a section of the Act; and  
(e) words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act.

**Notice of special meeting for co-option.** (Section 63 (b) of the Act). 3. (1) After a notification of election of primary members of a Panchayat Samiti has been issued, the Deputy Commissioner or any Gazetted Officer appointed by him in this behalf (hereinafter referred to as 'Presiding Officer'), shall convene a meeting of those members at the office of the Panchayat Samiti or at such other place as he may determine in this behalf for the purpose of co-opting members as required by clause (b) of section 63. Such meeting shall be convened after giving five days' clear notice to the members.

(2) The notice referred to in sub-rule (1) shall state—  
(i) the date, time and place of meeting;  
(ii) the number of women, elected as primary members and the number, if any of women to be co-opted;  
(iii) the number of persons belonging to scheduled castes elected as primary members, and the number, if any, of such persons to be co-opted; and  
(iv) the number of persons, representing Co-operative Societies within the jurisdiction of the Panchayat Samiti and elected by members of such societies for co-option under clause (b)(iii) of section 63 of the Act.

**Quorum.** 4. (1) Three-fourth members shall constitute a quorum for the co-option of persons.

(2) If at the first meeting there be no quorum present as specified in sub-rule (1), the Presiding Officer shall adjourn the meeting.

(3) When a meeting is adjourned under sub-rule (2) another meeting shall be convened by the Presiding Officer for the purpose of co-opting members by giving three days clear notice to the primary members.

(4) Not less than one-half of the number of primary members shall constitute a quorum for the second meeting.

(5) If at the second meeting there be no quorum present as specified in sub-rule (4), the Presiding Officer shall adjourn the meeting.

(6) When a meeting is adjourned under sub-rule (5), a third meeting shall be convened by the Presiding Officer in the manner specified in sub-rule (3), for the purpose of co-opting members.

(7) No quorum shall be necessary for the third meeting.

5. (1) On the day fixed for the meeting, particulars of the persons proposed for co-option shall be furnished, in Form 'A' to the Presiding Officer, by the members proposing and seconding such persons.

Particulars of persons proposed for co-option to be furnished.

(2) Only those persons may be proposed for co-option who are either—

- (i) Panches or Sarpanches of Gram Panchayats; or
- (ii) Members of Co-operative Societies out of the panel sent by the District Co-operative Officer/Assistant Registrar, Co-operative in accordance with the instructions issued by the Director in this behalf.

6. (1) The Presiding Officer shall read out the particulars of the persons proposed to all the primary members present and also explain to them—

Method of co-option.

- (a) the purpose for which the meeting has been called;
- (b) the number of women, persons belonging to scheduled castes and members of Co-operative Societies to be co-opted;
- (c) the disqualifications and qualifications laid down in section 64 and 65 of the Act;
- (d) the need to co-opt only those persons who have agreed to serve on the Panchayat Samiti, if co-opted.

(2) After satisfying himself that the persons whose names have been proposed are eligible for being co-opted, the Presiding Officer shall, if the number of scheduled castes candidates or women candidates or persons representing Co-operative Societies is equal to or less than the number of women or number of persons belonging to scheduled castes, or number of persons representing Co-operative Societies, as the case may be, to be co-opted, declare such candidates to be co-opted. Otherwise, he shall call upon the members to decide the co-option of the required number of persons by secret ballot in the manner herein-after laid down.

7. (1) The Presiding Officer shall provide in the place, where the meeting is held three voting compartments, one for women candidates, one for persons representing Co-operative Societies and the other for scheduled castes candidates, to be co-opted, in which members can record their votes without being overseen. The Presiding Officer shall also provide three sealed ballot boxes, one for the co-option of women, one for co-option of persons of Co-operative Societies and third for the co-option of scheduled castes candidates, and shall place

Voting and result of co-option.

them in such a manner so that they can be seen by him during polling. The ballot boxes shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom without the boxes being unlocked or opened.

(2) Immediately before the commencement of the poll, the Presiding Officer shall show the ballot boxes in open condition to all the members present, so that they may see that the boxes are empty. The Presiding Officer shall thereafter lock the ballot boxes and affix his seal upon it in such a manner so as to prevent its being opened without breaking such seals.

(3) Every member wishing to vote shall be supplied with a ballot paper in Form 'B' for the co-option of persons belonging to scheduled castes and a ballot paper in Form 'C-1' for the co-option of persons representing Co-operative Societies, on which names of the contesting candidates shall be printed, typed or legibly written in "Hindi" in an alphabetical order. The ballot papers shall be signed by the Presiding Officer before being handed over to the members. The ballot paper for the co-option of scheduled castes candidates shall be supplied after the member has exercised his right to vote for the co-option of women candidates, and ballot paper for co-option of persons representing Co-operative Societies thereafter.

(4) The member shall, on receiving the ballot paper, proceed to the place set apart for voting and there place a cross mark "X" in column (3) of the ballot paper against the name or names of the candidates for whom he wishes to vote, with a red or blue pencil.

(5) Each member shall have a right to cast as many votes for scheduled castes candidates as there are number of persons belonging to such castes to be co-opted and as many votes for women candidates as there are number of women to be co-opted, and as many votes for persons representing Co-operative Societies to be co-opted.

(6) He shall then fold the ballot paper to ensure secrecy, and deposit it in the ballot box.

(7) In case of a member who is illiterate or is physically incapacitated from voting, the Presiding Officer shall, at his or her request, take him or her to the place set apart for voting, ascertain his or her choice, accordingly mark the ballot paper, fold it to ensure secrecy and deposit it in the ballot box.

(8) The Presiding Officer shall cause all necessary arrangements to be made as will ensure secrecy of the ballot.

(9) Every member wishing to record his vote shall do so in person and not by proxy.

(10) Immediately after the voting is over, the Presiding Officer shall open the ballot boxes and count the votes, separately for women, scheduled castes and the Co-operative Societies candidates in the presence of such members as may be present and declare the results in the following manner:—

- (a) the candidate who is found to have obtained the largest number of valid votes, or if more than one is to be co-opted, the candidates upto the number of persons to be co-opted who are found to have obtained the largest number of valid votes shall be declared to have been co-opted;
- (b) in the event of a number of contesting candidates polling the same number of votes, the Presiding Officer shall draw lots in the presence of members and the candidate or candidates whose name or names is or are first drawn shall be declared to have been duly co-opted.

(11) The result shall be declared in Form 'D'.

8. Any ballot paper which bears any mark or signature by which the voter can be identified or on which the mark 'X' is placed against more than the number of persons to be co-opted or in an ambiguous manner or in contravention of the provisions of sub-rule (5) of rule 7, or which does not bear the signature of the Presiding Officer prescribed in sub-rule (3) of rule 7, shall be declared invalid.

Validity of  
ballot-  
papers.

9. Immediately after the meeting for co-option is over, the Presiding Officer shall—

- (a) prepare in Form "E" a record of proceedings of the meeting and sign it, attesting with his initials every correction made therein and also permit any member present at the meeting to affix his signature or thumb-mark to such record, if he so desires; and
- (b) publish on the notice board of the Panchayat Samiti and such other conspicuous place as may be determined by him, a notification signed by him stating the names of the members who have been co-opted and send a copy of such notification to the Deputy Commissioner for publication in the Official Gazette.

Preparation  
of record of  
proceedings  
and the  
publication  
of the result  
of election.

#### FORM 'A'

(See rule 5)

1. Name of the District
2. Name of the Panchayat Samiti
3. Name of person proposed
4. Age
5. Sex
6. Address
7. Caste to which he/she belongs
8. Co-operative Society to which he represents
9. Full name and address of proposer
10. Full name and address of seconder

*Note.*—Item 7 is to be filled up only in the case of members of scheduled castes and item 8 to be filled only in case of persons representing Co-operative Societies.

#### DECLARATION BY PROPOSER AND SECONDER

We, the proposer and seconder, hereby declare that the person proposed does not suffer from any of the disqualifications laid down in section 64 of the H. P. Panchayati Raj Act, 1968, and that he/she is willing to serve as a member of the Panchayat Samiti if co-opted.

We further declare that the person proposed is eligible under sub-rule (2) of rule 5 of the H.P. Panchayat Samitis (Co-option of Members) Rules, 1972 for being co-opted as a Member.

Dated..... Signature of proposer  
(Name and address)

Signature of seconder  
(Name and address)

#### DECLARATION BY THE CANDIDATE

I,.....the above mentioned candidate, assent to this nomination and hereby declare that I am prepared to serve as member of the Panchayat Samiti.....if co-opted.

Dated..... (Signature of candidate)

#### FORM 'B'

[See sub-rule (3) of rule 7]

#### BALLOT PAPER FOR CO-OPTION OF WOMEN

Serial No.	Name and description of the candidate	For mark (X) by voter
1.	.....	.....
2.	.....	.....
3.	.....	.....
4.	.....	.....
5.	.....	.....
6.	.....	.....
7. etc.	.....	.....

Signature of Presiding Officer.

FORM 'C'

[See sub-rule (3) of rule 7]

BALLOT PAPER FOR CO-OPTION OF PERSONS  
BELONGING TO SCHEDULED CASTES

Serial No.	Name and description of the candidate	For mark (X) by voter
1.	.....	.....
2.	.....	.....
3.	.....	.....
4.	.....	.....
5.	.....	.....
6.	.....	.....
7. etc.	.....	.....

Signature of Presiding Officer.

FORM 'C-1'

[See sub-rule (3) of rule 7]

BALLOT PAPER FOR CO-OPTION OF PERSONS  
REPRESENTING CO-OPERATIVE SOCIETIES

Serial No.	Name and description of candidate	For mark (X) by voter
1.	.....	.....
2.	.....	.....
3.	.....	.....

Signature of Presiding Officer.

FORM 'D'

[See sub-rule (11) of rule 7]

Name of District

Name of Panchayat Samiti

Names of primary members present:

(1)

(2)

(3) etc.

Number of persons to be co-opted:

(a) Women (b) Scheduled Castes (c) Co-operative Societies

Name and full address of persons co-opted:

(a) Women:

(1)

(2)

(b) Scheduled Castes:

- (1)  
(2)

(c) Co-operative Societies:

- (1)  
(2)

Date..... Signature of Presiding Officer.

Signature or thumb-mark of primary members present:

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. etc. ....

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FORM 'E'

(See rule 9)

Name of District

Name of Panchayat Samiti

Date, time and place of meeting

Number of primary members present

Names of persons, if any, co-opted, without election:

(a) Women (b) Scheduled Castes (c) Co-operative Societies

(1) (1) (1)

(2) (2) (2)

Name of persons co-opted by election:

(a) Women (b) Scheduled Castes (c) Co-operative Societies

(1) (1) (1)

(2) (2) (2)

Signature of Presiding Officer.

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PRITPAL SINGH,  
Under Secretary.



**INDUSTRIES DEPARTMENT**

**NOTIFICATION**

*Simla-2, the 22nd August, 1973*

**No. 2-94/69-SI.**—Whereas the Governor, Himachal Pradesh is satisfied that the public interest so requires:

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (XIV of 1947) the Governor, Himachal Pradesh is pleased to declare Himachal Pradesh Government Transport Service to be public utility service in Himachal Pradesh for the purpose of the said Act for a further period of 6 months with effect from 4th September, 1973 to 3rd March, 1974.

By order,  
**P. K. MATTOO,**  
*Secretary.*

